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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,281	02/07/2001	Howard Rafal	A-034	8699
21253	7590	01/26/2005	EXAMINER	
CHARLES G. CALL 68 HORSE POND ROAD WEST YARMOUTH, MA 02673-2516				LESNIEWSKI, VICTOR D
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/778,281	RAFAL ET AL.
	Examiner	Art Unit
	Victor Lesniewski	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 9/27/2004 has been placed of record in the file.
2. Claims 1, 2, 4, and 7 have been amended.
3. The objection to the specification is withdrawn in view of the amendment.
4. The objections to the informalities in the claims are withdrawn in view of the amendment.
5. Claims 8-12 have been added.
6. Claims 1-12 are now pending.
7. The applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

8. Claims have been amended to show the creation and hosting of a customized online gathering of participants which occurs at a scheduled time. The amendment proves a change in scope to the independent claim as the independent claim now explicitly states that a scheduled time or scheduled time range for the gathering is specified. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.
9. Several status identifiers in the amendment have been found to be improper. Please refer to 37 CFR 1.21(c) and submit the proper status identifiers in any future amendments.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 8 recites the limitation "said guest users" in line 13 and the limitation "said guests" in lines 17 and 21. There is insufficient antecedent basis for these limitations in the claim. Nowhere in claim 8 is there previous mention of guests or guest users, making the scope of the claim unclear.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 2, 6-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatham et al. (U.S. Patent Number 6,223,177), hereinafter referred to as Tatham, in view of Maurille (U.S. Patent Number 6,484,196).

15. Tatham disclosed a network based groupware system where participants can communicate with one another online in various ways. A major focus of his system is the ability of the server to receive instructions input from a user for creating a dedicated site based on the

instructions. In an analogous art, Maurille disclosed a network communication system for a collaborative environment which offers various options for communications among users. Both systems prove to be advances on network based groupware.

16. Concerning claims 1 and 8, Tatham did not explicitly state a specification of a scheduled time or schedule time range during which an online gathering would occur. Although Tatham is not explicit in this regard, he does note that his system "may be created on the server for a period of time desired by the primary user." See Tatham, column 4, lines 22-23. Furthermore, Maurille does explicitly disclose a specified scheduled time as recited in claims 1 and 8. Since the inventions of Tatham and Maurille encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Tatham by adding the ability to specify a scheduled time as provided by Maurille. Here, the combination satisfies the need for a collaborative server system that allows a normal user greater control over the functionality of the system. See Tatham, column 1, lines 37-46. This rationale also applies to those dependent claims utilizing the same combination.

17. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as an alternative method are rejected under the same rationale applied to the described claim.

18. Thereby, the combination of Tatham and Maurille discloses:

- <Claims 1 and 8>

The method of using the Internet to create and host a customized online gathering of participants which occurs at a scheduled time comprising, in combination, the steps of: providing at least one server computer connected to the Internet for communicating with

a plurality of client computers operated by users which are also connected to the Internet (Tatham, column 3, lines 39-49 and column 4, lines 11-18), storing at said server computer: a) template data defining one or more template web pages, each of said template web pages implementing a predetermined activity in which said users may participate as part of said online gathering (Tatham, column 4, lines 55-60), b) an identification of said first user as the host of said online gathering (Tatham, column 4, lines 43-48), c) a guest list accepted from said first user identifying a plurality of other invited users (Tatham, column 4, lines 61-65), d) a specification of a scheduled time or scheduled time range during which the online gathering will occur (Maurille, column 6, lines 23-36), and e) customization data accepted from said first user (Tatham, column 4, lines 28-33 and 55-60), combining said template data and said customization data to create customized web pages which together implement said customized online gathering (Tatham, column 4, line 66 through column 5, line 14), establishing at said scheduled time or during said scheduled time range (Maurille, column 6, lines 23-36) an authorized connection via the Internet between said server computer and each of said invited users that choose to participate in said gathering (Tatham, column 5, line 55 through column 6, line 7), and responding to requests received from any given one of said invited users during said online gathering by transmitting to said given user a requested one of said customized Web pages (Tatham, column 5, lines 23-26).

Claim 8 also recites limitations as discussed in claim 2 below.

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- <Claims 2 and 9>

The method as set forth in claim 1 wherein said guest list includes the email addresses of at least some of said other users and further including the step performed before said scheduled time or scheduled time range (Maurille, column 6, lines 23-36) of transmitting an invitation to said gathering to each of said email addresses (Tatham, column 5, lines 9-14).

- <Claims 6 and 10>

The method as set forth in claim 1 wherein said at least one server computer comprises a first server which acts as an application service provider for presenting said Web pages to users who access at least some of said Web pages using addresses supplied by a collaborating server computer (Maurille, column 5, line 55 through column 6, line 12).

- <Claims 7 and 12>

The method as set forth in claim 1 wherein at least one of said template web pages implements an activity in which said invited users may communicate with one another, said method including the further steps of accepting contributed data from one or more of said other invited users, storing said contributed data on said server computer, and thereafter displaying at least selected contributed data as part of said given one of said Web pages (Tatham, column 6, lines 9-26).

Since the combination of Tatham and Maurille discloses all of the above limitations, claims 1, 2, 6-10, and 12 are rejected.

19. Claims 3-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatham in view of Maurille, as applied above, further in view of Sluiman et al. (U.S. Patent Number 6,590,589), hereinafter referred to as Sluiman.

20. The combination of Tatham and Maurille disclosed a network based groupware system where participants could communicate with one another online in various ways and at scheduled times, as discussed above. The combination allows a user to utilize templates and input instruction data in order to create a customized environment. In an analogous art, Sluiman disclosed a computer system having a graphical user interface for accepting input from a user to create objects in an object-oriented computing environment. Both the combination described above and Sluiman's system generate template files that reflect the work-flow defined by input from the user.

21. The combination of Tatham and Maurille did not explicitly state the designation of certain types of activities, the automatic insertion of default values, or replacement of default values by the user. However, Sluiman did disclose these various features in detail. It is evident that his system allows the user to select various elements and attributes of the design, including a name or type for each template. Although the words "occasion" and "theme" are not explicit, the various descriptive attributes mentioned could easily represent such categories, especially when taken into consideration with the details of the systems disclosed by Tatham and Maurille. The use of the words "occasion" and "theme" are not patentably distinct from the various elements and attributes available to the user of Sluiman's system. Sluiman also went into detail in discussing the establishment of default values in his templates and the ability of the user to replace them later on in the process. Since the combination of Tatham and Maurille and the

invention of Sluiman encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Tatham and Maurille by allowing for more features within the template, such as more designations of various attributes and the use of default values, as provided by Sluiman. See Sluiman, column 6, lines 44-58. Again, the combination satisfies the need for a collaborative server system that allows a normal user greater control over the functionality of the system. See Tatham, column 1, lines 37-46.

22. Thereby, the combination of Tatham, Maurille, and Sluiman discloses:

- <Claim 3>

The method as set forth in claim 1 wherein said customization data accepted from said first user includes the designation of a gathering type and wherein, in response to said designation of said gathering type, said server computer automatically establishes a set of predetermined default values for said customization data which are combined with said template data to produce preliminary customized pages (Sluiman, column 9, lines 35-47).

- <Claims 4 and 11>

The method as set forth in claim 3 wherein said gathering type is designated by the combination of an occasion type and a theme associated with said occasion type (Sluiman, column 7, lines 42-46).

- <Claim 5>

The method as set forth in claim 3 further including the steps of accepting from said first user replacement attribute values which may be substituted for particular ones of said

default values to modify said preliminary customized pages (Sluiman, column 9, line 59 through column 10, line 9).

Since the combination of Tatham, Maurille, and Sluiman discloses all of the above limitations, claims 3-5 and 11 are rejected.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Toomey et al. (U.S. Patent Number 6,119,147) disclosed a collaborative work environment that allows computer-mediated, multi-modal, asynchronous meetings in a virtual space.
- Bunney (U.S. Patent Number 6,487,584) disclosed a communication network including a server and a plurality of user terminals where the users can share information with each other and with the server over the Internet.

24. The applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VX

Victor Lesniewski
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Group Art Unit 2155

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